Trusts, Estates & Succession Planning

Our trusts and estate planning group works with clients and clients' advisory team members to identify personal goals. We then customize an estate plan to achieve these objectives. Our broad and sophisticated trusts and estate planning practice addresses tax and estate planning opportunities for individuals and businesses of all sizes.

Estate Planning

Many individuals perceive estate planning to be a daunting process. Our attorneys explain estate planning options in detail, making sure clients are well informed and understand the documents used to implement their goals. Our experience enables our clients to reduce or eliminate estate, gift, and generation-skipping transfer taxes, to avoid or minimize the probate process, and to provide tools to adapt to unforeseeable circumstances.

In addition to creating estate plans, we strive to develop strong relationships with our clients. At our clients' request, we periodically review their estate plans and make certain the plan evolves with changing financial and personal circumstances, as well as changes in the law.

Estate Administration

We realize that even a well-drafted plan may lead to estate disputes. We work closely with estate and trust fiduciaries to ensure their obligations are met. In the event an estate dispute cannot be peacefully resolved, our attorneys guide fiduciaries and beneficiaries through litigation to enforce their rights and recover what they are entitled to.

Wealth Management

Our trusts and estate planning practice utilizes legal and tax techniques to achieve the financial objectives of our clients. Our team of attorneys work in concert with our clients' other advisers to develop a plan that encompasses our clients' goals, relationships, commitments, and resources.

Business Planning

We have substantial experience in the area of business planning for owners of closely held businesses, including extensive experience in transfer and partnership issues. We assist clients in the integration of business planning techniques and estate planning by providing advice on the tax and non-tax

PROFESSIONALS

Joe Demko
Partner

Mark J. Andres
Partner

Steven L. Baerson
Of Counsel

Timothy A. Cisler
Partner

Sharon L. DeVault
Of Counsel

Kevin L. Eismann
Partner

Lawrence J. Gregory
Of Counsel

Gini L. Hendrickson
Senior Counsel

Mark G. Kmiecik
Partner

Howard M. Lang
Of Counsel

Andrew C. MacDonald
Senior Counsel

Charles G. Maris
Partner

Claire A. McDonough
Associate

Jacqueline L. Messler
Partner

Ann M. Rieger
Partner

Allen M. Salomon
Partner

Michael V. Shaw
Associate

issues related to the transfer of family businesses, including capital structure reorganizations, buy-sell arrangements, gift programs, and valuation issues.

Areas of Focus

Our attorneys understand that creating and maintaining estate planning documents is an important step in the process in order to ensure our clients' wishes are properly carried out, that their assets are properly handled, and that their business and other interests are properly managed. To assist clients in this process, the attorneys in our estate planning practice regularly draft and administer complex estate plans for families and businesses, including:

- Wills and Related Transfer Documents
- Living Trusts
- Life Insurance Trusts
- Private Foundations
- Charitable Trusts
- Gift Trusts
- Dynasty Trusts
- Family Limited Partnerships
- Intentionally Defective Trusts
- Marital Property Agreement
- Power of Attorney

In addition to preparing and administering these documents, we routinely consult with clients on strategic business planning among generations and provide counsel on:

- Asset Protection Planning
- Business Continuity and Succession Planning
- Planning with Executive Compensation Benefits and Qualified Plans
- Charitable Planning and Philanthropic Giving
- Tax Minimization Strategies
- Selection of Trustees
- Non-Traditional Family Planning

Experience

Successfully Received the Requisite Authority From the Court for a Hospitality Business to Continue Operation Out of an Estate During a Probate Administration

Thomas A. Strandberg
Partner

H. Randolph Williams
Of Counsel

AREAS OF CONCENTRATION

Fiduciary, Trust & Probate Litigation

AMUNDSEN DAVIS

Advised a Blended Family on Creating Their Estate Plan

Successfully Transferred a Liquor License for a Wisconsin Establishment to the Executor of the Owner's Estate

Represented a Closely Held Family Business Design, Implement and Update their Business Succession Plan

Established a Custodial Trust for a Minor Beneficiary of a Significant Personal Injury Settlement

Successfully Advocated and Obtained an Alternative Valuation of a High Net Worth Estate

Engaged by a Decedent's Survivors to Get Control of an Estate

Served as Trustee to an Estate Where the Decedent Did Not Have Any Direct Descendants

Represents a Privately Held Construction and Leasing Company in Daily Corporate Legal Needs

Guided a Business Owner in Selling his Company Interest to Irrevocable Trusts

Firm News

105 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2024 in America
Firm News, August 17, 2023

Thomas Strandberg Joins Amundsen Davis's Brookfield Office
Firm News, April 24, 2023

Michael Shaw Joins Amundsen Davis's Appleton Office
Firm News, April 10, 2023

Amundsen Davis Attorneys Included in the 2022 Wisconsin Super Lawyers and Rising Stars List
Firm News, *Amundsen Davis*, November 15, 2022

U.S. News & World Report – Best Lawyers® "Best Law Firms" 2023
Firm News, November 3, 2022

35 SmithAmundsen Attorneys Recognized by *Best Lawyers in America© 2022*
August 19, 2021

SmithAmundsen Ranks on Crain's Chicago Business' 2018 Largest Law Firms List
Crain's Chicago Business, October 25, 2018

SmithAmundsen Ranks on Crain's Chicago Business' Largest Law Firms List
Crain's Chicago Business, September 15, 2017

SmithAmundsen ranks on Crain's Chicago Business' Chicago Largest Law Firms List
Crain's Chicago Business, September 10, 2016

In the Media

Jacqueline Messler Discusses Updates to Transfer-on-Death Documents
Media Mention, *InsideTrack*, February 15, 2023

Alerts

Is it Time to Update Your Estate Plan?
Article, *Amundsen Davis Trusts, Estates & Succession Planning Alert*, June 6, 2023

Planning for College? Why Your 18-Year Old Needs a Durable Power of Attorney
Article, *Amundsen Davis Trusts, Estates & Succession Planning Alert*, May 8, 2023

The IRS Extends Time to Make Portability Election
Article, August 18, 2022

In the Crosshairs: Guns in Estate Planning
Article, May 9, 2022

When Congress Says, "Never Mind", Does It Mean It? The latest news regarding changes to the Gift and Estate Tax Laws.
Article, October 29, 2021

How Might Joe Biden's Tax Proposals Affect You?
Article, May 14, 2021

Act Now – Estate Tax Planning Under the Biden Administration
Article, January 25, 2021

Individual Tax Planning Following the November 2020 Elections
Article, November 30, 2020

IRS Clarifies Stimulus Checks Sent to Deceased Taxpayers Must Be Returned
Article, May 8, 2020

6 Estate Planning Steps to Take in Your Free Time
SmithAmundsen Estate Planning Alert, April 14, 2020

CARES Act: Historic Senate Legislation to Provide Individuals with Personal Tax Rebates Among Other Tax Advantages (Updated March 27, 2020)
Article, March 26, 2020

Due Date for Payment of Certain Taxes Due April 15, 2020 Postponed to July 15, 2020 Pursuant to IRS Notice 2020-17
Article, March 18, 2020

An Essential Conversation: Your Burial Rights and Wishes
SmithAmundsen Estate Planning Alert, March 10, 2020

The Validity of Handwritten Wills
SmithAmundsen Estate Planning Alert, January 21, 2020

7 Factors to Consider When Choosing a Guardian for Minors
SmithAmundsen Estate Planning Alert, January 7, 2020

Stage Is Set for Significant Retirement Bill to Pass by Year End (SECURE Act)
Article, December 18, 2019

Top Considerations When Choosing Your Trustee
SmithAmundsen Estate Planning Alert, December 3, 2019

Pet Guardians: 5 Steps to Help Care for Man's Best Friend During the Unexpected
SmithAmundsen Estate Planning Alert, June 25, 2019

What Happens if You Die Without a Will?
SmithAmundsen Estate Planning Alert, May 21, 2019

Advance Directives: Planning Your Medical Care and Treatment
SmithAmundsen Estate Planning Alert, April 18, 2019

Estate Planning Lessons We Can Learn from Luke Perry
SmithAmundsen Estate Planning Alert, March 14, 2019

What to do When a Loved One Dies: A Checklist for Survivors
SmithAmundsen Estate Planning Alert, February 27, 2019

Estate Planning For Your Pets
Article, February 18, 2019

5 Estate Planning Tasks to do in the New Year
SmithAmundsen Estate Planning Alert, January 8, 2019

3 Mistakes to Avoid in a Revocable Living Trust
SmithAmundsen Estate Planning Alert, December 3, 2018

Seven Estate Planning Considerations for Blended Families
SmithAmundsen Estate Planning Alert, November 13, 2018

Guardianship for Special Needs Children
SmithAmundsen Estate Planning Alert, October 9, 2018

'Til Death do Us Part: Marriage and Estate Planning
SmithAmundsen Estate Planning Alert, September 18, 2018

Navigating Special Needs Trusts for Children with Disabilities
SmithAmundsen Estate Planning Alert, August 23, 2018

Trusts, Estates & Succession Planning

How Often Should I Review My Estate Plan?
SmithAmundsen Estate Planning Alert, August 8, 2018

What to Consider Before Hiring an Estate Planning Attorney
SmithAmundsen Estate Planning Alert, July 27, 2018

Are Your Kids Heading off to College? Consider Setting Up A Power of Attorney
SmithAmundsen Estate & Business Planning Alert, July 10, 2018

Having a Baby Changes Everything: Guardianship Considerations for Parents Creating Wills
SmithAmundsen Estate & Business Planning Alert, June 27, 2018

Why Do I Need an Estate Plan?
SmithAmundsen Estate & Business Planning Alert, June 12, 2018

Business Succession Opportunities after Tax Reform
SmithAmundsen Corporate Alert, March 2, 2018

IRS Announces 2018 Estate and Gift Tax Limits
Article, November 6, 2017

Tax Reform Update
Article, November 3, 2017

Estate Planning for Your Digital Property
Article, June 2, 2017

Tax Reform In the Making: A Comparison of the Potential Revisions
Article, March 2, 2017

Attention to How Your Farm Business is Organized Pays Off for the Heirs at Tax Time
SmithAmundsen Agribusiness Alert, March 7, 2016

Events

In the Crosshairs: Guns in Estate Planning
Speaking Engagement, Appleton, WI, January 12, 2023

Proposed Wealth Tax Changes Under the Biden Administration
Speaking Engagement, BizTimes, Family & Closely Held Business Summit; Brookfield, WI, June 29, 2021

An Attorney, a CPA and an Insurance Agent walk into an Investor Meeting...
Speaking Engagement, Appleton REIA, Seminar; Appleton, WI, June 8, 2021

Key Components of an Effective Buy-Sell-Agreement
Speaking Engagement, Exit Planning Institute, Webcast, May 27, 2021

Planned Giving: Explore the Benefits to Society
The Society of St. Vincent de Paul, Zoom, November 10, 2020

Next Generation Manufacturing Summit 2019
Speaking Engagement, Wisconsin Exposition Center; West Allis, WI, October 9, 2019

Preserving the Family Legacy Through Estate Planning
Speaking Engagement, Italian Community Center; Milwaukee, WI, June 13, 2019

Estate Planning Basics
SmithAmundsen, Webinar, May 8, 2019

Advanced Estate Planning: Craft More Effective and Sophisticated Plans for Your Clients
National Business Institute, March 5, 2019

Gifting Techniques Using Trusts and The Use of Family Limited Partnerships/LLCs in Estate Planning
Speaking Engagement, Radisson Milwaukee West Hotel; Milwaukee, WI, February 28, 2019

Estate Planning for Your Animal-Loving Clients
Speaking Engagement, Association for Women Lawyers, January 16, 2019

Succession Planning: Continuing Your Legacy
Speaking Engagement, Association of General Contractors (AGC) of Greater Milwaukee; Milwaukee, WI, November 15, 2018

Family & Closely Held Business Summit 2018
Event, BizTimes Media; Milwaukee, WI, June 14, 2018

Step-by-Step Estate Planning II
Event, State Bar of Wisconsin Seminar Series; Milwaukee, WI, February 23, 2018

What Does Tax Reform Mean for You and Your Business?
Event, Northern Trust Economic Trends 2018; Milwaukee, WI, January 19, 2018

Next Generation Manufacturing Summit 2017
Speaking Engagement, Wisconsin Exposition Center at State Fair Park; West Allis, WI, October 4, 2017

Family & Closely Held Business Summit 2017
Speaking Engagement, Potawatomi Hotel & Casino; Milwaukee, WI, July 12, 2017

Gifting Techniques Using Trusts and The Use of Family Limited Partnerships/LLCs in Estate Planning
Speaking Engagement, State Bar Center; Madison, WI, February 23, 2017

Family Business Succession
Illinois Chamber of Commerce, Webinar, October 13, 2016

Published Works

State of Illinois Force Majeure Law Compendium (during COVID-19 pandemic)
USLAW, June 5, 2020

Stalled SECURE Act Finally Enacted Into Law
Illinois Bar Association Newsletter, January 2020

The SECURE Act Poised to Eliminate Common Estate Planning Technique
ISBA Estate Planning Newsletter, July 30, 2019

Blog Posts

What the Show *Succession* Teaches Us About Planning for a Family Business
Corporate News: A Legal Update, September 7, 2023